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Sectoral policy questions: preventing and combating corrupt practices and transfer of funds of illicit origin and returning such funds to the countries of origin

Note verbale dated 10 March 2003 from the Permanent Missions of Costa Rica and Peru to the United Nations addressed to the Secretary-General

The Permanent Mission of Peru to the United Nations and the Permanent Mission of Costa Rica to the United Nations present their compliments to the Secretary-General of the United Nations and have the honour to transmit herewith the Letter of Understanding between Peru and Costa Rica signed in Lima, Peru, on 9 January 2003 relating the inter-American fight against corruption (see annex).

The Permanent Mission of Peru to the United Nations and the Permanent Mission of Costa Rica to the United Nations would be grateful if the annexed document could be distributed as a document of the General Assembly under agenda item 85 (c).

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Annex to the note verbale dated 10 March 2003 from the Permanent Missions of Costa Rica and Peru to the United Nations addressed to the Secretary-General

Letter of Understanding between Peru and Costa Rica in relation to the inter-American fight against corruption

The Minister for Foreign Affairs of the Republic of Peru and the Minister for Foreign Affairs and Worship of the Republic of Costa Rica, having met in Lima on 9 January 2003,

Bearing in mind that their respective Governments fully agree on the necessity of confronting more decisively and firmly the scourge of corruption in all its manifestations in view of the serious economic and moral damage it causes their peoples and the serious threat it poses to their institutions and to efforts to strengthen democracy,

Considering that corruption has reached the level of transnational crime, as indicated in the United Nations Convention against Transnational Organized Crime, since it not only erodes nations politically, economically and morally but undermines confidence in the foundations of international law and transparency in relations between States,

Aware that fighting the scourge of corruption is a challenge for the community of American nations and requires effective mutual cooperation among the States members of the inter-American system,

Convinced that the inter-American legal instruments on the matter should reflect the real commitment by States to eradicate corruption and impunity and the improper use of the immunity allowed under the legislation of some countries in relation to the charge,

Recognizing that inter-American cooperation in combating corruption, which began with the signing of the Inter-American Convention against Corruption, is an ongoing, developing process that requires decision-making both on the domestic level and among the States parties to the inter-American system,

Sign the following Letter of Understanding:

First: The Ministers for Foreign Affairs of Peru and Costa Rica expressly state the commitment of their respective Governments not to allow the territories of their countries to be used as a haven for fugitives from justice, particularly those who have committed crimes of corruption to the detriment of their peoples. They also agree to afford one another full assistance and cooperation, with the greatest possible speed and efficacy, in the investigation or prosecution of the acts of corruption referred to in the Inter-American Convention against Corruption, to which both countries are parties.

Second: Both Ministers further agree to support decisively actions undertaken through the follow-up mechanism for the implementation of the Inter-American Convention against Corruption and to promote jointly the adoption in the framework of the inter-American system of the legal and political mechanisms required to apply fully and effectively the principles and provisions of the said inter-American

instrument, including, if necessary, the convening of meetings and conferences at various levels.

Third: It is also agreed that the necessary measures will be taken to promote the earliest possible entry into force of the Inter-American Convention against Corruption in all the States of the hemisphere and the adaptation of the domestic legislation of all States parties to the Convention in order to facilitate its effective implementation and use in preventing, detecting, penalizing and eradicating corruption.

Fourth: The Ministers further affirm the desirability of promoting the adoption of bilateral and multilateral agreements and commitments complementary to the Inter-American Convention against Corruption that would facilitate effective action against the scourge in all its forms and prevent impunity by establishing sanctions against Governments that harbour or provide safe haven for individuals who have evaded legal prosecution on corruption charges of the kinds defined in the said Inter-American Convention.

Fifth: The two Foreign Ministers also agree to promote the establishment of a norm within the inter-American framework prohibiting individuals with a criminal record of corruption from being appointed to offices or posts in international organizations.

Sixth: The Ministers of Peru and Costa Rica express their firm commitment to move forward with bilateral political cooperation and to seek the support of other States and common institutions in promoting consensus on policy within the Organization of American States and mechanisms of regional dialogue with a view to strengthening and enhancing the effectiveness of the fight against corruption in all its manifestations.

Signed in Lima on 9 January 2003.

Minister for Foreign Affairs and Worship
of Costa Rica

Minister for Foreign Affairs
of Peru